

THE STATE BAR OF CALIFORNIA AGRIBUSINESS COMMITTEE MEETING

February 24, 2006

MINUTES

A regular meeting of the Agribusiness Committee of the Business Law Section of The State Bar of California ("Committee") was duly held at 9:30a.m. on Friday, February 24, 2006 at the offices of Seltzer Caplan McMahon Vitek located at 750 B Street, Suite 2100, San Diego, California 92101.

The meeting was called to order at 9:30 a.m. by Joe Martinez and Jerome Politzer, Committee Co-Chairs. The following Members of the Committee were present at the meeting ("Members"): Joe Martinez, Jerome Politzer, Steve Tripp, April Pearson, David LaRiviere and Paul Hart. The following guests of the Members of the Committee were also present at the meeting: Evelyn Martin, Karen Rachelle and Matt Powelson.

The meeting was temporarily adjourned so that the Members and their guests could travel to attend the following three scheduled site visits along the United States-Mexico International Border, Otay Mesa Port of Entry: (1) site visit at the facilities of the United States Customs and Border Protection ("USCBP Facilities"); (2) site visit at the facilities of the United States Food and Drug Administration ("USFDA Facilities"); and (3) site visit at the agricultural produce import-export facilities of Andrew & Williamson Sales Company ("A&W Facilities").

The meeting was reconvened at 10:00 a.m. at the USCBP Facilities, where the Committee joined their hosts for the morning activities, Rene Romero, President of Am-Mex International, and Sam Longanecker, import-export consultant to Am-Mex International and former inspector with the USCBP. The Committee was admitted to the USCBP Facilities and introduced to the following speakers: Charles Scherff, USCBP, Hector Baez, USCBP, Paul Henning, USCBP and Robert Fitch, United States Department of Agriculture ("USDOA"). The Committee was given a history of the USCBP, an overview of the policies and procedures that govern the daily operations of the USCBP, an explanation of the interaction of the USCBP and the USDOA agencies, and various examples of the activities that the USCBP monitors with respect to the importation of agricultural products from Mexico at the United States-Mexico International Border, Otay Mesa Port of Entry. After a brief question and answer period, the Committee was given an impromptu "pop quiz" by Hector Baez, USCBP, which was correctly answered by the Committee's Co-Chair, Jerome Politzer (with minimal assistance from Sam Longanecker).

The meeting was then moved at 11:30 a.m. to the USFDA Facilities, where the Committee was introduced to the following speakers: Bob Rast, USFDA, and Joe Tracey, USFDA. The Committee was given a PowerPoint presentation of the history of the USFDA, an overview of the policies and procedures that govern the daily operations of the USFDA, and various examples of the activities that the USFDA monitors with respect to the importation of agricultural products from Mexico at the United States-Mexico International Border, Otay Mesa Port of Entry.

The meeting was then moved again at 12:30 p.m. to the A&W Facilities, where the Committee was introduced to the following speakers: John King, A&W, and Amalia Escalante, A&W. The Committee was given a history of A&W and an overview of A&W's tomato and strawberry growing operations located in the interior of Mexico. The Committee was then taken on a tour of the A&W Facilities to view A&W's daily operations with respect to their importation of tomatoes and strawberries from Mexico at the United States-Mexico International Border, Otay Mesa Port of Entry.

The meeting was then temporarily adjourned again so that the Members and their guests could travel back to the offices of Seltzer Caplan McMahon Vitek.

The meeting was reconvened at 2:00 p.m. at the offices of Seltzer Caplan McMahon Vitek for lunch and for the purpose of completing the remaining items on the agenda of the Committee.

The first matter of business was the approval of a Motion accepting the Minutes from the previous meeting of the Committee held on January 20, 2006. The Minutes of the January 20, 2006 meeting of the Committee were read by the Committee's oral historian and, upon motion duly made and seconded, were unanimously approved. The State Bar Executive Committee Record Retention Policy for the Business Law Section (adopted April 1992) was noted.

The second matter of business was the approval of a Motion establishing the Co-Chairs and Co-Vice-Chairs as the rotating Recording Secretaries for the 2006 Agribusiness Committee meetings. Upon motion duly made and seconded, Joe Martinez, Jerome Politzer, Steve Tripp and Bart Botta were unanimously approved to serve as the rotating Recording Secretaries for the 2006 Agribusiness Committee meetings.

The third matter of business was the approval of a Motion amending the program calendar of meetings for the 2006 Agribusiness Committee due to a scheduling conflict. After discussion, and upon motion duly made and seconded, the following program calendar of meetings for the 2006 Agribusiness Committee was unanimously approved:

CALIFORNIA STATE BAR ASSOCIATION

AGRIBUSINESS COMMITTEE

MEETING SCHEDULE 2006

January 20, 2006	Santa Rosa, California – American AgCredit (Valuation Issues In Appraising Agricultural Collateral)
February 24, 2006	San Diego, California – AM-MEX International and Seltzer Caplan McMahon Vitek (Importation/Exportation of Agricultural Products via U.S. Customs Facilities at the Mexican Border)
March 24, 2006	Davis, California – University of California at Davis (Agricultural Economics Practice and Policy – Professor Steven Blank)
April 21, 2006	Newport Beach, California – Rynn & Janowsky (PACA Discussion – Thomas Oliveri, Director, Trade Practices & Commodity Services at Western Growers)
May 19, 2006	Fresno, California – (Water Tour – Riley Walter/Gary Sawyers)
June 16, 2006	Los Angeles, California – Heller Ehrman (Agricultural Financing Under Article 9 of the California Uniform Commercial Code – Steven Weise)
July 21, 2006	Sacramento, California – California Farm Bureau (Agribusiness Program on Labor and Environmental Law)
October 6, 2006	Monterey, California – California State Bar Annual Convention (Intellectual Property and Agriculture – Dave LaRiviere)

The fourth matter of business was a general discussion regarding the State Bar of California Business Law Section's Website and E-mail capabilities. The Co-Chairs noted the need to establish a Webmaster's Sub-Committee to oversee the additional communications and updates to the Committee's webpage through Mark Moore, the State Bar of California Business Law Section Webmaster. After discussion, and upon motion duly made and seconded, the selection of Karen Rachelle and David LaRiviere as the Co-Chairs of the Committee's Webmaster Sub-Committee for 2006 were unanimously approved.

The fifth matter of business was a general discussion concerning the membership of the Committee and the attendance by Members. As at the January 20, 2006 meeting of the Committee, there was consensus that the goal of increased membership in order to strengthen the Committee was of paramount importance for 2006 and that email blasts would be used to publicize upcoming Committee meeting topics of interest to the other State Bar of California Business Law Section committees.

The final matter of business was the approval of a Motion to submit to the State Bar of California Business Law Section, in concept only, proposed legislation from the Committee regarding amendments to the California Food and Agricultural Code sections 55407 et seq. governing producer's liens. The Co-Chairs noted the need to meet the State Bar of California Business

Law Section's February 2006 deadline for submission of proposed legislation concepts and subsequent June 2006 deadline for submission of final proposed legislation text. After discussion, and upon motion duly made and seconded, the submission to the State Bar of California Business Law Section, in concept only, of proposed legislation from the Committee regarding amendments to the California Food and Agricultural Code sections 55407 et seq. governing producer's liens was unanimously approved.

There being no further business, the meeting was adjourned at 3:30p.m.

Respectfully submitted,

Joe Martinez
Co-Chair and Meeting Recording Secretary